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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,197	08/02/2001	David J. Scarborough	5437-58514	7893

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EXAMINER
HIRL, JOSEPH P

ART UNIT	PAPER NUMBER
2129	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _31 March 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _3,5,7,18,23,35-37 and 55-58_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _3,5,7,18,23,35-37 and 55-58_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _31 March 2005_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _B1, B2, B3_.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to an AMENDMENT entered March 31, 2005

for the patent application 09/922,197 filed on August 2, 2001.

2.   The First Office Action of August 24, 2004 is fully incorporated into this Final

Office Action by reference.

Status of Claims

3.   Claims 1, 2, 6, 8-17, 19-22, 24-34, and 38-54 are cancelled. Claims 55-58 are

new. Claims 3, 5, 7, 18, 23, 35-37, and 55-58 are pending in this application.

Additional Information

4.   The CD #1 provided with the IDS dated January 27, 2005 cites substantial

evidence to indicate that the applicant's disclosure was in public use (sold to the public),

or being sold to the public, well before one year prior to the provisional application dated

August 3, 2000. In full accordance with 37 CFR 1.105, the applicant is required to

provide all information related in any way to the disclosure that fully identifies the details

of all sales, anticipated sales or public disclosure involving products that bear on the

current claims. At a minimum, such information should bear the details of the product

that was for sale or sold as identified in CD#1 or other sales or promotions of the

subject invention. Such information must be provided with the response to this office

action.

Claim Objection

5.   Claim 58 is objected to under 37 CFR 1.75 as being a substantial duplicate of

claim 3. When two claims in an application are duplicates or else are so close in

content that they both cover the same thing, despite a slight difference in wording, it is

proper after allowing one claim to object to the other as being a substantial duplicate of

the allowed claim. See MPEP § 706.03(k). While claim 58 cites "means" with out being

specific, claim 3 also has means else it could not function. Hence, under the current

wording, these two claims are substantially the same. MPEP 2181 @ page 2100-221, c

1, l 21, requires "means for" to specifically engage the process identified in the

specification.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   Claims 1-54 are rejected under 35 U.S.C. 102(b) as being anticipated by Bro

(U.S. Patent 5,722,418, referred to as **Bro**).

Claims 3, 58

Bro anticipates an electronic data interrogator operable to present a first set of a

plurality of questions to the individual (**Bro**, c 9, l21-67); an electronic answer capturer

operable to electronically store the individual's responses to at least a selected plurality

of the first set of questions presented to the individual (**Bro**, c 9, l21-67); an electronic

predictor responsive to the stored answers and operable to predict at least one post-hire

outcome if the individual were to be employed by the employer, the predictor providing a

prediction of the outcome based upon correlations of the stored answers with answers

to sets of questions by other individuals for which post-hire information has been

collected (**Bro**, c 37, l 30-34; c 38, l 1-13); and an electronic results provider providing

an output indicative of the outcome to assist in determining the suitability of the

individual for employment by the employer (**Bro**, c 38, l 14-34); wherein the post-hire

outcome indicates whether the individual is predicted to be involuntarily terminated

(**Bro**, c 38, l 14-34; EN: such is the change in current condition and classification).

Claim 5

Bro anticipates an electronic data interrogator operable to present a first set of a

plurality of questions to the individual (**Bro**, c 9, l21-67); an electronic answer capturer

operable to electronically store the individual's responses to at least a selected plurality

of the first set of questions presented to the individual (**Bro**, c 9, l21-67); an electronic

predictor responsive to the stored answers and operable to predict at least one post-hire

outcome if the individual were to be employed by the employer, the predictor providing a

prediction of the outcome based upon correlations of the stored answers with answers

to sets of questions by other individuals for which post-hire information has been

collected (**Bro**, c 37, l 30-34; c 38, l 1-13); and an electronic results provider providing

an output indicative of the outcome to assist in determining the suitability of the

individual for employment by the employer (**Bro**, c 38, l 14-34); wherein at least one of

the predicted outcomes is a predicted probability that a particular outcome value range

will be observed (**Bro**, c 36, l 14-16; EN: post-hire is a change of condition; candidate

employee is a reasoned output).

Claim 7

Bro anticipates an electronic data interrogator operable to present a first set of a

plurality of questions to the individual (**Bro**, c 9, l21-67); an electronic answer capturer

operable to electronically store the individual's responses to at least a selected plurality

of the first set of questions presented to the individual (**Bro**, c 9, l21-67); an electronic

predictor responsive to the stored answers and operable to predict at least one post-hire

outcome if the individual were to be employed by the employer, the predictor providing a

prediction of the outcome based upon correlations of the stored answers with answers

to sets of questions by other individuals for which post-hire information has been

collected (**Bro**, c 37, l 30-34; c 38, l 1-13); and an electronic results provider providing

an output indicative of the outcome to assist in determining the suitability of the

individual for employment by the employer (**Bro**, c 38, l 14-34); wherein the predicted

outcome is a predicted range of values for a continuous variable (**Bro**, c 11, l 12-64; c

13, l 40-49).

Claim 18

Bro anticipates an electronic data interrogator operable to present a first set of a

plurality of questions to the individual (**Bro**, c 9, l21-67); an electronic answer capturer

operable to electronically store the individual's responses to at least a selected plurality

of the first set of questions presented to the individual (**Bro**, c 9, l21-67); an electronic

predictor responsive to the stored answers and operable to predict at least one post-hire

outcome if the individual were to be employed by the employer, the predictor providing a

prediction of the outcome based upon correlations of the stored answers with answers

to sets of questions by other individuals for which post-hire information has been

collected (**Bro**, c 37, l 30-34; c 38, l 1-13); and an electronic results provider providing

an output indicative of the outcome to assist in determining the suitability of the

individual for employment by the employer (**Bro**, c 38, l 14-34); wherein the data

interrogator is located at a first location and the predictor is located at a second location

which is remote from the first location (**Bro**, Fig. 1); wherein the data interrogator and

the predictor are selectively electronically interconnected through a network; and

wherein the network is a satellite network (**Bro**, c 17, l 66-67; c 18, l 1-37; EN: such is a

wide area network).

Claim 23

Bro anticipates an electronic data interrogator operable to present a first set of a plurality of questions to the individual (**Bro**, c 9, l21-67); an electronic answer capturer operable to electronically store the individual's responses to at least a selected plurality of the first set of questions presented to the individual (**Bro**, c 9, l21-67); an electronic predictor responsive to the stored answers and operable to predict at least one post-hire outcome if the individual were to be employed by the employer, the predictor providing a prediction of the outcome based upon correlations of the stored answers with answers to sets of questions by other individuals for which post-hire information has been collected (**Bro**, c 37, l 30-34; c 38, l 1-13); and an electronic results provider providing an output indicative of the outcome to assist in determining the suitability of the individual for employment by the employer (**Bro**, c 38, l 14-34); in which the predictor comprises at least one model which provides a predictor of the probability of the individual exhibiting at least one of the predicted outcomes, the model being based on correlations between the at least one of the predicted outcomes and the answers to questions by the other individuals, including answers by at least some employees of the employer, the model taking at least selected answers of the stored answers as inputs to the model, a probability of the individual exhibiting the at least one of the predicted outcomes being provided as an output of the model (**Bro**, c 36, l 1-16); and wherein the model comprises at least one neural network (**Bro**, c 37, l 26-34).

Claim 35

Bro anticipates collecting data indicating pre-hire information for a plurality of the hired employees (**Bro**, Fig. 2A); collecting data indicating post-hire outcomes for the hired employees (**Bro**, Fig. 2A; c 37, l 30-34); constructing an artificial intelligence-based model from the pre-hire information and the post-hire outcomes for the employees (**Bro**, c 37, l 30-34); from the candidate employee, electronically collecting data indicating pre-hire information of the candidate employee (**Bro**, Fig. 2A; c 37, l 30-34); and applying the model to the collected pre-hire information of the candidate employee to generate one or more predicted post-hire outcomes for the candidate employee (**Bro**, c 37, l 30-34); wherein constructing a plurality of proposed models, wherein at least two of the models are of different types (**Bro**, c 37, l 26-34; EN: a generic neural network initially is at an untrained type and then is processed to a trained type; or can be considered to be trained for one application and another neural network trained for yet another application); and selecting a superior proposed model out of the plurality of proposed models as the model to be used (**Bro**, c 37, l 26-34; EN: models are trained and the trained model is then used ... superior model).

Claim 36

Bro anticipates the two proposed models are both feed-forward neural networks (**Bro**, c 37, l 26-34; EN: one type was trained and the other was not; feed-forward neural networks are generic).

Claim 37

Bro anticipates the two proposed models are chosen from the following: back

propagation, conjugate gradients, quasi-Newton, Levenberg-Marquardt, quick

propagation, delta-bar-delta, linear, radial basis function, and generalized regression

network (**Bro**, c 37, l 26-34; EN: one type was trained and the other was not; feed-

forward neural networks are generic; such are the neural networks).

Claims 55, 56, 57

Bro anticipates one or more computer-readable media having computer-

executable instructions for performing the method (claim 35, 36 37)(Bro, Figs. 1, 2).

Response to Arguments

8.   The presentation of claims defining same patentable invention (interference) is

acknowledged and the recorded action appears to correct an interference incident.

9.   The drawing objection to Fig. 17 is withdrawn.

10.   The rejection to claims 24, 25, 34, 42, 43, 50, and 51 under 35 USC 112, second

paragraph, is withdrawn. It is acknowledged that the language of claim 34 with

modifications is found in claim 35.

11.   The nonstatutory double patenting rejection of claims 25, 30, 51, 52 and 53 is

withdrawn.

12.   Applicant's arguments filed on March 31, 2005 related to Claims 3, 5, 7, 18, 23,

35-37, and 55-58 have been fully considered but are not persuasive.

In reference to Applicant's argument:

Claim 3

Bro's description of "change in current condition" does not anticipate claim 3's recitation of "involuntarily terminated. " Claim 3 recites "wherein the post-hire outcome indicates whether the individual is predicted to be involuntarily terminated." The Action rejects claim 3 over Bro, but Applicants respectfully disagree.

> At column 38, lines 14-20, Bro describes:

> Another distinct operation may involve actuation of a printer 32 to provide documents in relation to the operating format, or as for providing award certificates or coupons to isolated clients 50 or patients. The subject invention in this enhancement thus allows a subset of clients 50 or individuals to be isolated expected to surmise "involuntarily terminated" from mere mention of "change in current condition."

As understood by Applicants, Bro does not contemplate "involuntarily terminated" for any purpose, so it could not possibly anticipate "predicted to be involuntarily terminated" as recited by claim 3. Elsewhere, at con. 37, lines 30 et seq., Bro mentions "The software's 16D ability to approximate or guess the patient's or client's 50 choice or answer based upon prior performance. . ." However, Applicants do not find that Bro describes predicting a change in current condition, let alone "predicted to be involuntarily terminated."

Examiner's response:

Para 16 applies. Involuntarily terminated is a change in current condition related to client (employee 50). Software 16D predicts client's (50) choice which would be the cause for involuntary termination.

In reference to Applicant's argument:

Claim 5

Bro's description of "change in current condition" does not anticipate claim 5's recitation of "predicted probability that a particular outcome value range will be observed. " Claim 5 recites "wherein at least one of the predicted outcomes is a predicted probability that a particular outcome value range will be observed." The Action rejects claim 5 over Bro, but Applicants respectfully disagree.

> At column 36, lines 14-20, Bro describes:
> Another distinct operation may involve actuation of a printer 32 to provide documents in relation to the operating format, or as for providing award certificates or coupons to isolated clients 50 or patients. The subject invention in this enhancement thus allows a subset of clients 50 or individuals to be isolated with respect to need, infirmity, disease, psychological attribute, or change in current condition.

Thus, Bro describes "change in current condition." However, one of skill in the art could not be expected to surmise "probability that a particular outcome value range will be observed" from "change in current condition." Finally, even if "change in current condition" were to somehow suggest the recited language, the passage is insufficient to anticipate "probability that a particular value range will be observed" as recited by claim 5.

Examiner's response:

Para 16 applies. Examiner in the office action August 24, 2004 @ page 7, lines

6-9, references Bro, c 36 l 14-16 which cites the following:

> The sooner an item is tested, the greater the probability that it will be correctly
> recalled, and hence the greater the probability that its recall will be strengthened.

Hence if the item tested is a "predicted probability", then the predicted outcome is

a predicted probability that a particular outcome value range will be observed.

Alternatively, post-hire is a change of condition, a particular outcome value and is a

reasoned or probable output.

In reference to Applicant's argument:

Claim 7

Bro's description of "continuous state of growth" and "continuous daily monitoring" does not anticipate claim 7's recitation of "predicted range of values for a continuous variable." Claim 7 recites "wherein the predicted outcome is a predicted range of values for a continuous variable." The Action rejects claim 7 over Bro, but Applicants respectfully disagree.

> At column 13, lines 40-49, Bro describes:
>
> The rationale of the system is that the man is in a continuous state of growth and development. The system provides the motivation and reinforcement through continuous daily monitoring of each patient as he works towards his basic goals for optimal health by maintaining prescribed regimens or goals. By this daily or periodic reinforcement and guidance utilizing interactive feedback, the system is able to maintain the organization and intervention between the physician, counselor, manager, the patient, or employee and his or her goals.

Thus, Bro describes "continuous state of growth" and "continuous daily monitoring." However, one of skill in the art could not be expected to surmise "continuous variable" from such language. Finally, even if the language were to somehow suggest "continuous variable," the passage is insufficient to anticipate "predicted range of values for a continuous variable" as recited by claim 7.

Examiner's response:

Para 16 applies. Examiner in the office action August 24, 2004 @ page 7, lines

13-14, references Bro, c 11 I 12-64; c13, I 40-49. Bro effectively identifies a listing of

variables upon which a continuous state of growth and development would take place.

The axiomatic conclusion is a predicted range of values for continuous variables.

In reference to Applicant's argument:

Claim 18

Bro's description of "wide area asynchronous transfer mode network" does not anticipate claim 18's recited "satellite network " Claim 18 recites "wherein the data interrogator and the predictor are selectively electronically interconnected through a network; wherein the network is a satellite network." The Action rejects claim 18 over Bro, but Applicants respectfully disagree.

> At column 18, lines 31 et seq., Bro describes:

> Moreover, unlike other transfer modes, an asynchronous transfer mode provides two further benefits: (1) it positions local area networks for future multimedia applications if they appear when more patients or employees are added to the system, and (2) it seamlessly integrates local traffic into the future wide area asynchronous transfer mode network.

Examiner's response:

Para 16 applies. Examiner in the office action August 24, 2004 @ page 9, lines

6-8, references Bro, c 17 I 66-67; c18, I 1-37.   Interactive television systems with

customized broadcasts are satellite systems made up of networks or "satellite

networks."

In reference to Applicant's argument:

Claim 23

Bro's description of "more rapid response utilizing neural network and expert system software" does not anticipate claim 23's recitation of "the model comprises at least one neural network ... the model based on correlations between ... predicted outcomes and the answers to questions by other individuals." Claim

23 recites "wherein the model comprises at least one neural network" and that "the model being based on correlations between ... predicted outcomes and the answers to questions by the other individuals." The Action rejects claim 23 over Bro, but Applicants respectfully disagree.

> At column 37, lines 26 et seq., Bro describes:
>
> The software 16D of the subject invention as it coordinates the various components possesses an editing capability for elimination of "dead time," thereby minimizing the annoyance to the patient or client 50 and consequent non response. The software's 16D ability to approximate or guess the patient's or client's 50 choice or answer based upon prior performance provides the opportunity for more rapid response utilizing neural network and expert system software.

Thus, Bro describes "ability to approximate or guess the patent's or client's 50 choice or answer based upon prior performance provides the opportunity for more rapid response utilizing neural network . . . software." However, one or skill in the art could not be expected to surmise "the model comprises at least one neural network" wherein the model is "based on correlations between the at least one of the predicted outcomes and the answers to questions by other individuals" as recited by claim 23 from the mere mention of "utilizing neural network" and "based upon prior performance."

Examiner's response:

Para 16 applies. Applicant's statement that "the model comprises at least one

neural network ... the model based on correlations between ... predicted outcomes and

the answers to questions by other individuals" is to be found in claim 23. Bro

anticipates a neural network and that is all that is required to anticipate the applicant's

"wherein the model comprises at least one neural network."

In reference to Applicant's argument:

Claims 35-37

Bro's description of "neural network" does not anticipate claim 35's recitation of "different neural network types. " Claim 35 recites "wherein at least two of the proposed models are different neural network types." The Action rejects claim 35 over Bro, but Applicants respectfully disagree.

> At column 37, lines 26 et seq., Bro describes:
>
> The software 16D of the subject invention as it coordinates the various components possesses an editing capability for elimination of "dead time," thereby minimizing the annoyance to the patient or client 50 and consequent non response. The software's 16D ability to approximate or guess the patient's or client's 50 choice or answer based upon prior performance provides the opportunity for more rapid response utilizing neural network and expert system software.

Thus, Bro describes "neural network." However, one or skill in the art could not be expected to surmise
"the proposed models are different neural network types" from a mere description of "neural network."
The Action states that Bro describes that one type is trained and the other is not. However, Applicants do
not fund where Bro describes such a scenario.

Examiner's response:

Para 16 applies. Standard or generic neural network which appears to be what

the applicant has specified in the claim is initially untrained (type 1) and after being

trained on the subject matter, it is trained (type 2). Such is inherent in the subject of

neural networks. Alternatively, Bro teaches process that embody a plurality of subject

matter to which a plurality of neural networks would have to be trained ... one neural

network for each subject (see abstract). Hence, a plurality of types of neural networks.

In reference to Applicant's argument:

Request for Interview

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to
issuance of the next Office .Action in order to arrange a telephonic interview. It is believed that a brief
discussion of the merits of the present application may expedite prosecution. Applicants submit the
foregoing formal Amendment so that the Examiner may fully evaluate Applicants' position, thereby
enabling the interview to be more focused.

This request is being submitted under. MPEP § 713.01, which indicates that an interview may be
arranged in advance by a written request.

Examiner's response:

Examiner has determined that an interview of a short duration would not resolve

the issues identified above.

Examination Considerations

13.   The claims and only the claims form the metes and bounds of the invention.

"Office personnel are to give the claims their broadest reasonable interpretation in light

of the supporting disclosure. *In re Morris,* 127 F.3d 1048, 1054-55, 44USPQ2d 1023,

1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in

the claim are not read into the claim. *In re Prater,* 415 F.2d, 1393, 1404-05, 162 USPQ

541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, l 45-48; p 2100-9, c 1, l 1-4). The

Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Examiner will reference prior art using terminology familiar to one of ordinary skill in the

art. Such an approach is broad in concept and can be either explicit or implicit in

meaning.

14.   Examiner's Notes are provided to assist the applicant to better understand the

nature of the prior art, application of such prior art and, as appropriate, to further

indicate other prior art that maybe applied in other office actions. Such comments are

entirely consistent with the intent and spirit of compact prosecution. However, and

unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that

one of ordinary skill in the art would find inherently appropriate.

15.   Unless otherwise annotated, Examiner's statements are to be interpreted in

reference to that of one of ordinary skill in the art. Statements made in reference to the

condition of the disclosure constitute, on the face of it, the basis and such would be

obvious to one of ordinary skill in the art, establishing thereby an inherent prima facie

statement.

16.   Examiner's Opinion: paras 13-15 apply. The Examiner has full latitude to

interpret each claim in the broadest reasonable sense.

Conclusion

17.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

18.   Claims 3, 5, 7, 18, 23, 35-37, and 55-58 are rejected.

Correspondence Information

Any inquiry concerning this information or related to the subject disclosure

should be directed to the Examiner, Joseph P. Hirl, whose telephone number is

(571) 272-3685. The Examiner can be reached on Monday – Thursday from

6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the

Examiner's supervisor, Anthony Knight can be reached at (571) 272-3687.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

or faxed to:

(703) 872-9306 (for formal communications intended for entry);

or faxed to:

(571) 273-3685 (for informal or draft communications with notation of

"Proposed" or "Draft" for the desk of the Examiner).

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have any questions on access to Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll free).

Joseph P. Hirl

May 24, 2005